REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-20 are presently pending in the application. Claims 1-3 and 5-11 are amended. Claims 12-20 are new. Claims 1, 10, and 11 are independent.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 7, 8, and 10 as being allowable if rewritten in independent form. Although not conceding the appropriateness of the Examiner's rejections, claim 10 has been rewritten in independent form. Thus, claim 10 is now in condition for allowance.

Specification

Various amendments have been made to the specification to improve the grammar and readability. It is respectfully submitted that none of the amendments to the specification add new matter to the present application.

Rejection Under 35 U.S.C. § 102

Claims 1-6, 9, and 11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,513,113 to Kobayashi (hereafter "Kobayashi"). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Synopsis of Kobayashi

Kobayashi teaches an image processing apparatus 1 (e.g., digital copy machine), which includes a CPU 11 and a card connector 14 for receiving an IC card 8. The apparatus further includes a flash ROM 13. The apparatus also includes a power switch 6a and an operation switch 7a.

In Kobayashi, when the flash ROM 13 is to be updated with a new program, the user (i.e., "operator") connects an IC card 8 to the apparatus and switches the operation switch 7a on, before the power is turned on. This IC card 8 stores the program to be downloaded to the flash ROM 13. When the power switch 6a is turned on, the CPU 11 causes the IC card 8 to be booted, instead of the flash ROM 13. As a result, the new program in the IC card 8 is downloaded to the flash ROM 13. See col. 6, lines 10-34. However, when the flash ROM 13 does not need to be updated, the user leaves the operation switch 7a at the off position when the power switch 6a is turned on. This causes the flash ROM 13 to be booted, regardless of whether the user has left an IC card 8 connected to the card connector 14. See col. 6, lines 35-57.

Kobayashi's system also deals with situations where the user accidentally leaves the operation switch 7a switched on, even though the flash ROM 13 should be booted.

For instance, if there is no IC card 8 connected to the card connector 14, the flash ROM 13 will be booted even though the operation switch 7a was on when the power switch 6a was turned on (col. 6, line 58 – col. 7, line 10).

Another situation is where the user turns on the power switch 6a when the operation switch 7a is on and an IC card 8 is connected, but the IC card 8 does not store the correct program. In other words, the IC card 8 does not contain the program to be executed by the CPU 11. This is discussed in the section of Kobayashi cited by the Examiner (i.e., col. 7, lines 35-60). In this situation, Kobayashi teaches that the CPU 11 will repeatedly re-boot the IC card 8, but the CPU 11 will not execute an image processing operation until the user turns the operation switch 7a off (thus allowing the flash ROM 13 to boot). See col. 7, line 61 – col. 8, line 4.

Kobayashi Fails to Disclose Each Claimed Feature

As amended, independent claims 1 and 11 recite detecting an abnormal state of the image processing section after the system initialization processing has been performed, and making a trial of eliminating the abnormal state by causing a process or piece of equipment related to the image processing to transit to an initial state without performing the system initialization processing. Applicants respectfully submit that Kobayashi fails to disclose these features.

In page 3 (section 6) of the Office Action, the Examiner indicates that "[t]he abnormal state detecting section is the watchdog pulses" in Kobayashi. Thus, it is apparent that the Examiner interprets the "abnormal state" in Kobayashi as being the situation where the connected IC card 8 does not store the correct program[1].

Furthermore, in page 4 (section 10) of the Office Action, the Examiner indicates that "[t]he initial state is trying to be booted by another stored program." Applicants interpret this statement to mean that the Examiner relies on Kobayashi's booting of the flash ROM 13 after the operator turns the operation switch 7a off (col. 7, line 61 – col. 8, line 4) to teach the claimed transition to the initial state.

Initially, Applicants respectfully submit that the Examiner's reliance on Kobayashi's booting of the flash ROM as the transition to the initial state is improper. Kobayashi teaches that this booting occurs as the result of the *operator carrying out the off-operation of the operator switch 7a* -- it is not the result of being controlled by a trial section, as required by claim 1. Furthermore, Applicants submit that Kobayashi's booting of the flash ROM 13 does not cause any process or piece of equipment to transit to its initial state, as required by claims 1 and 11.

[1] Col. 7, lines 42-45 teach that an error occurs in the CPU 11, which causes it to stop outputting the watch dog pulses, as a result of the IC card 8 not storing the program to be executed. Accordingly, the stoppage of watch dog pulses indicates that the IC card 8 does not store the correct program.

However, even assuming for the sake of argument that the Examiner's reliance is proper, Kobayashi still fails to teach that the abnormal state is detected *after the system initialization processing has been performed*, and a trial to eliminate the abnormal state includes a transition to the initial state *without performing the system initialization processing*, as required by the independent claims.

Since the Examiner is silent as to what teaching is being relied on for the claimed system initialization processing, Applicants must presume that the Examiner is relying on the booting of the IC card 8 in Kobayashi[2]. However, Kobayashi expressly teaches that the IC card 8 is *repeatedly re-booted* after the CPU 11 first realizes that the IC card 8 does not contain the program to be executed. See col. 7, lines 53-60. Therefore, Kobayashi fails to teach that the transition to the initial state (booting of flash ROM 13) is performed *without* performing the system initialization processing (re-booting IC card 8), as required by independent claims 1 and 11.

At least for the reasons set forth above, Applicants respectfully submit that claims 1 and 11 are allowable over Kobayashi. Furthermore, Applicants submit that claims 2-6 and 9 are allowable at least by virtue of their dependency on claim 1. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance.

However, should the Examiner believe that any outstanding matters remain in the present application, the Examiner is requested to contact Jason Rhodes (Reg. No. 47,305) at the

[2] Also, Applicants find no other type of system initialization processing in Kobayashi that has already been performed at the time the abnormal state is detected (i.e., when the error occurs in the CPU 11).

telephone number of the undersigned to discuss the application in an effort to expedite prosecution.

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Respectfully submitted,

By _____

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